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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,519	12/08/2003	Tariq A. Hassan	UTL 00421	3026
32968	7590	08/28/2006	EXAMINER	
KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289			SAFAIPOUR, BOBBAK	
			ART UNIT	PAPER NUMBER
			2631	
DATE MAILED: 08/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

8/

**Office Action Summary**

Application No.

10/730,519

Applicant(s)

HASSAN ET AL.

Examiner

Bobbak Safaipoor

Art Unit

2631

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/14/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Preliminary Amendment***

1. The present Office Action is based upon the original patent application filed on 12/8/2003 as modified by the preliminary amendment filed on 2/27/2006. **Claims 1-4, 6-11, 13, and 14** are now pending in the present application.

### ***Information Disclosure Statement***

2. The information disclosure statement submitted on 7/14/2005 has been considered by the Examiner and made of record in the application file

### ***Claim Objections***

3. On **line 12 of claim 1**, delete “the” after “to.”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 6-11, 13, and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by

**Rosen et al (United States Patent Application Publication #2002/0173326 A1).**

Consider **claim 1**, Rosen et al clearly show and disclose a method for initializing a push-to-talk call over a wireless communication network, comprising:

receiving via a wireless communication network (fig 1, paragraph 24; Group communication system 100, which is known as a push-to-talk system), a push-to-talk initialization request from a calling handset, the request identifying a recipient handset (paragraph 32; Requesting the transmission privilege from a communication manager comprises a push-to-talk key or switch. When a user desires to transmit information to other net members, the user may depress the push-to-talk switch located on his or her communication device. After the requesting user has been granted the transmission privilege, information may then be transmitted from that user to the other net member);

translating the push-to-talk request into an announce message (paragraph 33; Voice and/or data may be converted into data packets, using a communication device, which are suitable for a particular distributed network through which communications to other users may take place);

addressing the announce message to the recipient handset (paragraph 32; After the requesting user has been granted the transmission privilege, information may then be transmitted from that user to the other net member);

broadcasting the announce message over the wireless communication network, wherein the announce message is transmitted over a plurality of base stations (fig. 1; paragraph 33; Each wireless net member establishes a forward link and a reverse link with one or more base stations or a satellite gateway);

receiving an acknowledgement message in response to the announce message (paragraph 37; When the communication manager receives a transmission privilege request, the control manager may transmit a message to the requesting net member, notifying it that the transmission privilege has been granted); and

opening an audio channel in response to receiving the acknowledge message (paragraphs 33, 37, and 50; Voice and/or data may be converted into data packets, using a communication device, which are suitable for a particular distributed network through which communications to other users may take place. If the user's packet data call is in the dormant state, the user may be able to receive incoming voice calls).

Consider **claim 2**, and **as applied to claim 1 above**, Rosen et al clearly show and disclose the wireless communication network (read as group communication system) (figure 1, paragraph 24) is a code division multiple access network (paragraphs 26, 40, 65, 84, 89, and 101).

Consider **claim 3**, and **as applied to claim 2 above**, Rosen et al clearly show and disclose the broadcasting step further comprises the announce message in a dedicated physical channel (control channel) (paragraph 65).

Consider **claim 4**, and **as applied to claim 3 above**, Rosen et al clearly show and disclose the control channel is a forward dedicated common control channel (F-DCCH) (paragraph 65).

Consider **claim 6**, and **as applied to claim 1 above**, Rosen et al clearly show and disclose the acknowledgement message is received in a dedicated physical channel (control channel) (paragraph 65).

Consider **claim 7**, and **as applied to claim 6 above**, Rosen et al clearly show and disclose the control channel is a reverse enhanced access channel (R-EACH) (paragraph 65).

Consider **claim 8**, Rosen et al clearly show and disclose a system for initializing a push-to-talk call over a wireless communication network, comprising:

a target handset configured for over the air communication in a wireless communication network (fig. 1; paragraph 27; Communication occurs using communications devices 102, 104, 106, and 108. Communications devices may be wireless communication devices such as satellite telephones equipped with push-to-talk functionality);

a plurality of base stations configured to communicate over the air with the target handset, wherein a push-to-talk announce message is broadcast to the target handset over the plurality of base stations (paragraph 36; When a member wishes to transmit information to other members, the first member may request the transmission privilege by pressing a push-to-talk key on his or her communication device, wherein the request may be transmitted over the air to one or more base stations);

wherein a first base station receives an acknowledgement message from the target handset in response to the announce message (paragraph 37; When the communication manager receives a transmission privilege request, the control manager may transmit a message to the requesting net member, notifying it that the transmission privilege has been granted); and

wherein the first base station is configured to open an audio channel in response to the acknowledgement message (paragraphs 33, 37, and 50; Voice and/or data may be converted into data packets, using a communication device, which are suitable for a particular distributed

network through which communications to other users may take place. If the user's packet data call is in the dormant state, the user may be able to receive incoming voice calls).

Consider **claim 9**, and **as applied to claim 8 above**, Rosen et al clearly show and disclose wireless communication network (read as group communication system) (figure 1, paragraph 24) is a code division multiple access network (paragraphs 26, 40, 65, 84, 89, and 101).

Consider **claim 10**, and **as applied to claim 9 above**, Rosen et al clearly show and disclose a plurality of channels in the wireless communication network (paragraph 65; Messages may be sent over both dedicated physical channels, such as the forward fundamental channel (FCH) or forward dedicated common control channel (F-DCCH), or common physical channels, such as the reverse access channel (R-ACH), reverse enhanced access channel (R-EACH), forward common control channel (F-CCCH), or paging channel (PCH)), wherein the push-to-talk announce message is broadcast to the target handset in a forward dedicated common control channel (F-DCCH) (paragraph 65).

Consider **claim 11**, and **as applied to 8 above**, Rosen et al clearly show and disclose a push-to-talk server, wherein the push-to-talk server initiates the push-to-talk announce message (fig. 1; paragraphs 27 and 32; The communication devices have the ability to request transmission privilege from a communication manager. The communication manager is any type of computer type device having at least one processor and memory. When a user desires to transmit information to other members, the may depress the push-to-talk switch located on his or her communication device, sending a request to obtain the transmission privilege from the control manager).

Consider **claim 13**, and **as applied to claim 8 above**, Rosen et al clearly show and disclose the acknowledgement message is received by the first base station in a dedicated physical channel (control channel) (paragraph 65).

Consider **claim 14**, and **as applied to claim 13 above**, Rosen et al clearly show and disclose the control channel is a reverse enhanced access channel (R-EACH) (paragraph 65).

***Conclusion***

5. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



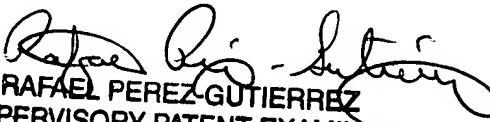
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Bobbak Safaipour*  
B.S./bs

August 17, 2006

  
RAFAEL PEREZ-GUTIERREZ  
SUPERVISORY PATENT EXAMINER  
8/18/06